

CT/PTO 19 JUN 2001 #3



09/762,720

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MACNALLY ET AL.	Examiner:	Unknown
Serial No.:	09/762,720	Group Art Unit:	Unknown
Filed:	February 8, 2001	Docket No.:	30019.70USWO
Title:	A SINGLE-CHIP CMOS DIRECT-CONVERSION TRANSCEIVER		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL 830123654 US

Date of Deposit: June 19, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

By: Omesh Singh
Name: Omesh Singh

06/25/2001 SHARRO 0000091 09762720

02 FC:122

130.00 DP

PETITION UNDER 37 C.F.R. §1.47(a)

Special Program Law Office
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.47(a), Applicant petitions to have the present application perfected by the declaration of inventorship of Thomas B. Cho, Shahriar Rabii, Srenik Suresh Mehta, Christopher Donald Nilson, Michael Peter Mack, Menno Marringa and Eric S. Dukatz on behalf of themselves and on behalf of Donald Evan MacNally and Laurence Marguerite Plouvier, joint inventors who cannot be found or reached after diligent effort. A check in the amount of \$130.00 under 37 C.F.R. § 1.117(h) is enclosed to cover this petition.

The following documents are enclosed:

1. Seven (7) Combined Declaration and Power of Attorneys signed by Thomas B. Cho, Shahriar Rabii, Srenik Suresh Mehta, Christopher Donald Nilson, Michael Peter Mack, Menno Marringa and Eric S. Dukatz. The non-signature of Donald Evan MacNally and Laurence Marguerite Plouvier should be treated as Thomas B. Cho, Shahriar Rabii, Srenik Suresh Mehta, Christopher Donald Nilson, Michael Peter Mack, Menno Marringa and Eric S. Dukatz signing on behalf of Donald Evan MacNally and Laurence Marguerite Plouvier (in accordance with MPEP 409.03(a)).
2. [The following evidence that Donald Evan MacNally and Laurence Marguerite Plouvier cannot be found or reached after diligent effort to execute the application papers:
 - a) Copies of two Federal Express mail letters dated April 12, 2001 (Exhibits A1 and A2) and copies of Federal Express mail USA Airbills (Exhibits B1 and B2) with tracking numbers 824208610687 and 824208610735. These letters were sent to Donald Evan MacNally and Laurence Marguerite Plouvier at their last known resident addresses for executing the Combined Declaration and Power of Attorney (Exhibits C1 and C2). The mail was delivered to both on April 13, 2001.
 - b) The undersigned attorney called Donald Evan MacNally and Laurence Marguerite Plouvier as many as four (4) times in April, May and June of 2001 and left voice messages as many as four (4) times on the last known telephone number (415) 282-5221.]

Donald Evan MacNally and Laurence Marguerite Plouvier cannot be reached after diligent efforts.

c) [Donald Evan MacNally and Laurence Marguerite Plouvier have left Level One Communications, Inc., the Assignee of the present patent application, and cannot be found.]

3. The last known address of non-signing joint inventor Donald Evan MacNally is 141 Bronte Street, San Francisco, California 94110.

4. The last known address of non-signing joint inventor Laurence Marguerite Plouvier is 141 Bronte Street, San Francisco, California 94110.

Applicant asserts that numerous and diligent efforts have been made to obtain the signature of Donald Evan MacNally and Laurence Marguerite Plouvier with respect to the declaration of inventorship of the above-identified patent application. Donald Evan MacNally and Laurence Marguerite Plouvier cannot be found or reached.

Applicant, therefore, petitions for entry of the declaration of inventorship signed by the other seven (7) joint inventors.

S/N 09/762,720

PATENT

If a telephone conversation would be helpful in resolving any issues concerning this communication, please contact the Applicants' attorney-of-record, Min S. Xu (Reg. No. 39,536) at (612) 336.4733.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

Dated: June 19, 2001

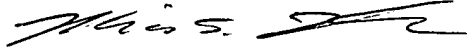
By 
Min S. Xu
Reg. No. 39,536
AX/mas





Exhibit A1

#5

Merchant & Gould

An Intellectual Property Law Firm

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA
TEL 612.332.5300
FAX 612.332.9081
www.merchant-gould.com

Direct Contact 612.336.4733
axu@merchant-gould.com

A Professional Corporation

April 12, 2001

VIA FEDERAL EXPRESS

Donald Evan MacNally
141 Bronte Street
San Francisco, CA 94110

Re: Our ref.: 30019.70-US-WO
U.S. Patent Application No. 09/762,720 for:
A SINGLE-CHIP CMOS DIRECT- CONVERSION TRANSCEIVER

REQUESTED RESPONSE DATE: **April 17, 2001**

Dear Donald:

We have received a Notification of Missing Requirements from the U.S. Patent and Trademark Office for the above-noted patent application. As a result of receiving this document, we must now provide the formal papers (Combined Declaration and Power of Attorney and Assignment) no later than **April 19, 2001**.

Because of the time constraint, please sign and date the enclosed Combined Declaration and Power of Attorney and Assignment documents where indicated and return to us by **April 17, 2001**.

Please let us know your telephone number for future correspondence with us and the U.S. Patent and Trademark Office. If you change your address in the future, please let us know as soon as possible.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Min (Amy) Xu

AX/mas

Enclosures: Combined Declaration and Power of Attorney
Assignment

Minneapolis/St. Paul
Denver
Seattle
Atlanta

Exhibit A2

Merchant & Gould

an Intellectual Property Law Firm

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA
TEL 612.332.5300
FAX 612.332.9081
www.merchant-gould.com

Direct Contact 612.336.4733
axu@merchant-gould.com

A Professional Corporation

April 12, 2001

VIA FEDERAL EXPRESS

Laurence Marguerite Plouvier
141 Bronte Street
San Francisco, CA 94110

Re: Our ref.: 30019.70-US-WO
U.S. Patent Application No. 09/762,720 for:
A SINGLE-CHIP CMOS DIRECT- CONVERSION TRANSCEIVER

REQUESTED RESPONSE DATE: **April 17, 2001**

Dear Laurence:

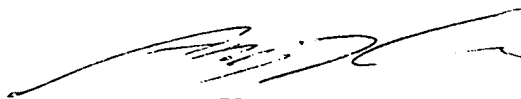
We have received a Notification of Missing Requirements from the U.S. Patent and Trademark Office for the above-noted patent application. As a result of receiving this document, we must now provide the formal papers (Combined Declaration and Power of Attorney and Assignment) no later than **April 19, 2001**.

Because of the time constraint, please sign and date the enclosed Combined Declaration and Power of Attorney and Assignment documents where indicated and return to us by **April 17, 2001**.

Please let us know your telephone number for future correspondence with us and the U.S. Patent and Trademark Office. If you change your address in the future, please let us know as soon as possible. Also, please confirm your citizenship listed on the Declaration.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Min (Amy) Xu

AX/mas

Enclosures: Combined Declaration and Power of Attorney
Assignment

Minneapolis/St. Paul
Denver
Seattle
Atlanta



Exhibit B #5

FedEx USA Airbill **824208610735**

1 From: Please print and press hard.
Date 4/12/01 Sender's FedEx Account Number 0554-1339-8
Sender's Name Min (Amy) Xu Phone (612) 336-4733
Company MERCHANT & GOULD
Address 80 S 8TH ST STE 3200
City MINNEAPOLIS State MN ZIP 55402
2 Your Internal Billing Reference 30019.70-US-WO
3 To: Recipient's Name Donald E. MacNally Phone ()
Company Alford 4-13-01
Address 141 Bronte Street
City San Francisco State CA ZIP 94110

See back for application instructions.
Questions? Call 1-800-Go-FedEx® (800-463-3339)
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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0155:

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4a ☒ FedEx Priority Overnight ☐ FedEx Standard Overnight ☐ FedEx First Overnight
☐ FedEx 2Day* ☐ FedEx Express Saver*
4b ☐ FedEx 1Day Freight* ☐ FedEx 2Day Freight ☐ FedEx 3Day Freight
5 ☒ FedEx Envelope/Letter* ☐ FedEx Pak* ☐ Other Pkg.
6 ☐ SATURDAY Delivery ☐ SUNDAY Delivery ☐ HOLD Weekday ☐ HOLD Saturday
7 ☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check
Total Declared Value* \$ 00
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phone 282-
(415) 5221

402

FedEx USA Airbill

824208610687

1 From *Please print and press hard*
 Date **4/12/01** Sender's FedEx Account Number **0554-1339-8**

Sender's Name **Min (Amy) Xu** Phone **(612) 336-4733**

Company **MERCHANT & GOULD**

Address **80 S 8TH ST STE 3200**

City **MINNEAPOLIS** State **MN** ZIP **55402**

2 Your Internal Billing Reference **30019.70-US-WO**

3 To Recipient's Name **Laurence Marguerite Plouvier**

Company **Delivered 4-13-01**

Address **141 Bronte Street**

City **San Francisco** State **CA** ZIP **94110**

Questions? Call **1-800-Go-FedEx® (800-463-3339)**
 Visit our Web site at **www.fedex.com**

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0155532746

SNA22

Form I.D. No. **0215** **SALES COPY**

4a Express Package Service
 Delivery commitment may be later in some areas.
☒ FedEx Priority Overnight ☐ FedEx Standard Overnight
 Next business morning Next business afternoon
☐ FedEx 2Day* ☐ FedEx Express Saver*
 Second business day Third business day

4b Express Freight Service
 Delivery commitment may be later in some areas.
☐ FedEx 1Day Freight* ☐ FedEx 2Day Freight
 Next business day Second business day
☐ FedEx 3Day Freight
 Third business day

5 Packaging
☒ FedEx Envelope/Letter* ☐ FedEx Pak*
 * Call for Confirmation: * Declared value limit \$500

6 Special Handling
☐ SATURDAY Delivery ☐ SUNDAY Delivery ☐ HOLD Saturday
 Available for FedEx Priority at FedEx Location Available for FedEx Priority
 Overnight and FedEx 2Day Overnight to select ZIP codes
 Does this shipment contain dangerous goods?
☒ No ☐ Yes ☐ Yes ☐ Dry Ice
 Air shipped Shipper's Declaration not required Dry Ice 2 UN 1845
 Dangerous Goods cannot be shipped in FedEx packaging ☐ Cargo Aircraft Only

7 Payment Bill to:
☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check
 FedEx Acct. No. Exp. Date
 Credit Card No.

Total Packages	Total Weight	Total Declared Value*
		\$.00

8 Release Signature Sign to authorize delivery without obtaining signature
 *Our liability is limited to \$100 unless you declare a higher value. See back for details.

402

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

Rev. Date 3/00/01 FedEx 1558120 © 1994-2000 FedEx • PRINTED IN U.S.A. GBFE 400

Exhibit B2

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A SINGLE-CHIP CMOS DIRECT-CONVERSION TRANSCEIVER

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/US99/20792 filed September 10, 1999, and as amended on September 27, 2000 (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/099,723	10 September 1998

I hereby appoint the following attorney(s), and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 41,940
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	Reg. No. 40,066
Anderson, Gregg I.	Reg. No. 28,828	Lindquist, Timothy A.	Reg. No. 40,701
Batzli, Brian H.	Reg. No. 32,960	Lycke, Lawrence E.	Reg. No. 38,540
Beard, John L.	Reg. No. 27,612	Mayfield, Denise L.	Reg. No. 33,732
Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
Black, Bruce E.	Reg. No. 41,622	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mitchem, M. Todd	Reg. No. 40,731
Bremer, Dennis C.	Reg. No. 40,528	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nichols, A. Shane	Reg. No. 43,836
Byrne, Linda M.	Reg. No. 32,404	Parsons, Nancy J.	Reg. No. 40,364
Campbell, Keith	Reg. No. 46,597	Pauly, Daniel M.	Reg. No. 40,123
Carlson, Alan G.	Reg. No. 25,959	Phillips, Bryan K.	Reg. No. 46,990
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Chiapetta, James R.	Reg. No. 39,634	Prendergast, Paul	Reg. No. 46,068
Clifford, John A.	Reg. No. 30,247	Pytel, Melissa J.	Reg. No. 41,512
Coldren, Richard J	Reg. No. 44,084	Qualey, Terry	Reg. No. 25,148
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Dalglish, Leslie E.	Reg. No. 40,579	Roberts, Fred	Reg. No. 34,707
Daulton, Julie R.	Reg. No. 36,414	Samuels, Lisa A.	Reg. No. 43,080
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
Epp Ryan, Sandra	Reg. No. 39,667	Scull, Timothy B.	Reg. No. 42,137
Glance, Robert J.	Reg. No. 40,620	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stoll- DeBell, Kirstin L.	Reg. No. 43,164
Gould, John D.	Reg. No. 18,223	Sumner, John P.	Reg. No. 29,114
Gregson, Richard	Reg. No. 41,804	Swenson, Erik G.	Reg. No. 45,147
Gresens, John J.	Reg. No. 33,112	Tellekson, David K.	Reg. No. 32,314
Hamer, Samuel A.	Reg. No. 46,754	Trembath, Jon R.	Reg. No. 38,344
Hamre, Curtis B.	Reg. No. 29,165	Tuchman, Ido	Reg. No. 45,924
Harrison, Kevin C.	Reg. No. 46,759	Tunheim, Marcia A	Reg. No. 42,189
Hertzberg, Brett A.	Reg. No. 42,660	Underhill, Albert L.	Reg. No. 27,403
Hillson, Randall A.	Reg. No. 31,838	Vandenburgh, J. Derek	Reg. No. 32,179
Holzer, Jr., Richard J.	Reg. No. 42,668	Wahl, John R.	Reg. No. 33,044
Johnston, Scott W.	Reg. No. 39,721	Weaver, Karrie G.	Reg. No. 43,245
Kadievitch, Natalie D.	Reg. No. 34,196	Welter, Paul A.	Reg. No. 20,890
Karjeker, Shaukat	Reg. No. 34,049	Whipps, Brian	Reg. No. 43,261
Kettelberger, Denise	Reg. No. 33,924	Whitaker, John E.	Reg. No. 42,222
Keys, Jeramie J.	Reg. No. 42,724	Wickhem, J. Scot	Reg. No. 41,376
Knearl, Homer L.	Reg. No. 21,197	Williams, Douglas J.	Reg. No. 27,054
Kowalchyk, Alan W.	Reg. No. 31,535	Withers, James D.	Reg. No. 40,376
Kowalchyk, Katherine M.	Reg. No. 36,848	Witt, Jonelle	Reg. No. 41,980
Lacy, Paul E.	Reg. No. 38,946	Wu, Tong	Reg. No. 43,361
Larson, James A.	Reg. No. 40,443	Xu, Min S.	Reg. No. 39,536
Leon, Andrew J.	Reg. No. 46,869	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name MACNALLY	First Given Name Donald	Second Given Name Evan
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship U.S.A.
1	Post Office Address	Post Office Address 141 Bronte Street	City San Francisco	State & Zip Code/Country California 94110 U.S.A.
Signature of Inventor 201:				Date:

2	Full Name Of Inventor	Family Name CHO	First Given Name Thomas	Second Given Name B.
0	Residence & Citizenship	City Alameda	State or Foreign Country California	Country of Citizenship U.S.A.
2	Post Office Address	Post Office Address 356 Oleander Avenue	City Alameda	State & Zip Code/Country California 94502 U.S.A.
Signature of Inventor 202:				Date:

2	Full Name Of Inventor	Family Name RABII	First Given Name Shahriar	Second Given Name
0	Residence & Citizenship	City Palo Alto	State or Foreign Country California	Country of Citizenship U.S.A.
3	Post Office Address	Post Office Address 2162 Staunton Court	City Palo Alto	State & Zip Code/Country California 94306 U.S.A.
Signature of Inventor 203:				Date:

2	Full Name Of Inventor	Family Name MEHTA	First Given Name Srenik	Second Given Name Suresh
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship U.S.A.
4	Post Office Address	Post Office Address 1468 8 th Avenue	City San Francisco	State & Zip Code/Country California 94122 U.S.A.
Signature of Inventor 204:				Date:

2	Full Name Of Inventor	Family Name NILSON	First Given Name Christopher	Second Given Name Donald
0	Residence & Citizenship	City San Jose	State or Foreign Country California	Country of Citizenship U.S.A.
5	Post Office Address	Post Office Address 170 South 14 th Street	City San Jose	State & Zip Code/Country California 95112 U.S.A.
Signature of Inventor 205:				Date:

2	Full Name Of Inventor	Family Name MACK	First Given Name Michael	Second Given Name Peter
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship U.S.A.
6	Post Office Address	Post Office Address 3114 Clay Street #1	City San Francisco	State & Zip Code/Country California 94115 U.S.A.
Signature of Inventor 206:				Date:
2	Full Name Of Inventor	Family Name PLOUVIER	First Given Name Laurence	Second Given Name Marguerite
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship U.S.A.
7	Post Office Address	Post Office Address 141 Bronte Street	City San Francisco	State & Zip Code/Country California 94110 U.S.A.
Signature of Inventor 207:				Date:
2	Full Name Of Inventor	Family Name MARRINGA	First Given Name Menno	Second Given Name
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship Netherlands
8	Post Office Address	Post Office Address 25 Conrad Street	City San Francisco	State & Zip Code/Country California 94131 U.S.A.
Signature of Inventor 208:				Date:
2	Full Name Of Inventor	Family Name DUKATZ	First Given Name Eric	Second Given Name S.
0	Residence & Citizenship	City San Francisco	State or Foreign Country California	Country of Citizenship U.S.A.
9	Post Office Address	Post Office Address Apartment 2, 1012 Kirkham Street	City San Francisco	State & Zip Code/Country California 94122 U.S.A.
Signature of Inventor 209:				Date:

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A SINGLE-CHIP CMOS DIRECT-CONVERSION TRANSCIEVER

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/US99/20792 filed September 10, 1999, and as amended on September 27, 2000 (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/099,723	10 September 1998

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.